

REMARKS

Claims 1-6, 8-12, 14-22, 24 and 25-27 are pending in the above-identified application. Claims 1-6, 8-12, 14-22, 24 and 25 were rejected. With this Amendment, claims 4, 8, 11, 12, 14, 19, 20, and 24 were amended and claims 26-27 were added. Accordingly, claims 1-6, 8-12, 14-22, 24 and 25 are at issue in the above-identified application.

35 U.S.C. § 112 Indefiniteness Rejection of Claims

Claims 4, 8, 11, 12, 14, 19, and 24 were amended and applicants request withdrawal of this rejection.

35 U.S.C. § 102 Anticipation Rejection of Claims & 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1-5, 8 and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Komaru et al.* (JP 10-308236 A). Claims 6, 9-12, 14, 15-22 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mayer* (U.S. Patent No. 5,783,333) in view of *Komaru et al.* Applicants respectfully traverse these rejections.

Claims 1, 9, and 17 recite a nonaqueous electrolyte secondary battery comprising a nonaqueous electrolyte that includes a *vinylene carbonate and an antioxidant*. None of the above-cited references, either alone or in combination, teach or even suggest a battery comprising a nonaqueous electrolyte including a *vinylene carbonate and an antioxidant*. For example, while the *Komaru et al.* reference discloses a nonaqueous electrolyte having a methoxybenzene system compound, *Komaru et al.* does not teach or describe a nonaqueous electrolyte having both a vinylene carbonate and an antioxidant. While *Komaru et al.* refers to using phenol, it is only as an impurity in a nonaqueous electrolyte having a methoxybenzene system compound, as discussed in Paragraph 188 of *Komaru et al.* While *Komaru et al.*

discloses that use of an impurity may improve the effect brought on by a methoxybenzene compound, it does not teach or suggest using the impurity with vinylene carbonate. The present invention requires the combination of an *antioxidant* along with a *vinyl carbonate*. *Komaru et al.* only recites the vinyl carbonate as an example of a second component solvent, but not in combination with an antioxidant. Therefore, Applicants maintain that there is no suggestion or teaching in *Komaru et al.* to combine a vinyl carbonate with an antioxidant in a nonaqueous electrolyte. Accordingly, Applicants submit that the claimed invention is not anticipated by nor obvious over the applied references, either alone or in combination. Withdrawal of this rejection is respectfully requested.

In view of the foregoing, Applicant submits that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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By: 

David Rozenblat
Registration No. 47,044
SONNENSCHN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
(312) 876-8000

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